

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

JOHN K. FREEMAN,

Plaintiff

v.

WASHOE COUNTY DETENTION
FACILITY, et al.,

Defendants

Case No. 3:22-cv-00334-ART-CSD

ORDER DENYING IFP APPLICATION
WITHOUT PREJUDICE AND
DIRECTING PLAINTIFF TO PROVIDE
AN UPDATED ADDRESS

(ECF No. 1)

On July 27, 2022, pro se plaintiff John Freeman, a detainee in the custody of the Washoe County Sheriff's Department at the Washoe County Detention Center, filed a complaint under 42 U.S.C. § 1983 and applied to proceed *in forma pauperis*. (ECF No. 1-1, 1). Freeman's application to proceed *in forma pauperis* is incomplete because **the financial certificate has not been completed and he did not include an inmate account statement for the previous six-month period with his application**. And the Court's mail to Freeman has been returned as undeliverable. (ECF No. 5). The Court addresses each deficiency below, and grants Freeman leave to correct them **by Monday, November 7, 2022**.

DISCUSSION

A. Freeman must pay the filing fee or properly apply to proceed IFP.

Under 28 U.S.C. § 1915(a)(2) and Nevada Local Special Rule 1-2, an inmate seeking to begin a civil action in this Court may apply to proceed *in forma pauperis* to file the civil action without prepaying the full \$402 filing fee. To apply for *in forma pauperis* status, the inmate must submit **all three** of the following documents to the Court: (1) a completed **Application to Proceed in Forma Pauperis for Inmate**, which is pages 1–3 of the Court's approved form, that is properly signed by the inmate twice on page 3; (2) a completed **Financial Certificate**, which is page 4 of the Court's approved form, that is properly signed by both the inmate and a prison or jail official, and (3) a copy of the **inmate's prison or jail trust fund account statement for the previous six-month**

1 **period.** As explained above, Freeman's application to proceed *in forma pauperis* is
 2 incomplete because the financial certificate has not been completed and he did not
 3 include an inmate account statement for the previous six-month period with his
 4 application. The Court will therefore deny Freeman's application to proceed *in forma*
 5 *pauperis* without prejudice to his ability to either pay the filing fee or file a new fully
 6 complete application to proceed *in forma pauperis*. And the Court will grant Freeman a
 7 30-day extension to do so.

8 **B. Freeman must update his address with the Court.**

9 Nevada Local Rule IA 3-1 provides that a "pro se party must immediately file with
 10 the court written notification of any change of mailing address, email address, telephone
 11 number, or facsimile number." "The notification must include proof of service on each
 12 opposing party or the party's attorney. Failure to comply with this rule may result in the
 13 dismissal of the action, entry of default judgment, or other sanctions as deemed
 14 appropriate by the court." Nev. Loc. R. IA 3-1. The Court's mail to Freeman has been
 15 returned as undeliverable. (ECF No. 5). According to the Washoe County Detention
 16 Center inmate database, Freeman is no longer housed at that facility. The Nevada
 17 Department of Correction inmate database states that Freeman is not housed at any
 18 facility operated by that agency. The Court will grant Freeman a 30-day extension to
 19 provide the Court his updated address.

20 **CONCLUSION**

21 It is therefore ordered that the application to proceed *in forma pauperis* (ECF No. 1)
 22 is denied without prejudice.

23 It is further ordered that Freeman has **until Monday, November 7, 2022**, to either
 24 pay the full \$402 filing fee or file a new fully complete application to proceed *in forma*
 25 *pauperis* with all three required documents: (1) a completed application with the inmate's
 26 two signatures on page 3; (2) a completed financial certificate that is signed both by the
 27 inmate and the jail official; and (3) a copy of the inmate's trust account statement for the
 28 past six-month period.

1 Freeman is cautioned that this action will be subject to dismissal without prejudice
2 if he fails to timely comply with this order.

3 The Clerk of the Court is directed to send plaintiff Robert Freeman the approved
4 form application to proceed *in forma pauperis for inmate* and instructions for the same
5 and retain the complaint (ECF No. 1-1) but not file it at this time.

6 DATED: October 6, 2022.

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UNITED STATES MAGISTRATE JUDGE